

SEP 08 2005

## CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Mark Beckmann et al.

Docket No.

112740-1050

Application No.  
~~123456~~  
10/423,065Filing Date  
February 1, 2005Examiner  
UnknownGroup Art Unit  
UnknownInvention: METHOD, SUBSCRIBER DEVICE AND RADIO COMMUNICATION SYSTEM FOR TRANSMITTING  
USER DATA MESSAGESI hereby certify that this Prior Submission of Executed Declaration and Power of Attorney on 14 pages  
(Identify type of correspondence)is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 1-571-273-8300)on September 8, 2005  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Mark Beckmann et al.  
Appl. No.: 10/423,065 10/423,065 PT  
Conf. No. 7574  
Filing Date: February 1, 2005  
Title: METHOD, SUBSCRIBER DEVICE AND RADIO COMMUNICATION  
SYSTEM FOR TRANSMITTING USER DATA MESSAGES  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112740-1050

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile: (571) 273-8300  
September 8, 2005  
14 Pages

**PRIOR SUBMISSION OF EXECUTED  
DECLARATION AND POWER OF ATTORNEY**

Sir:

Applicants respectfully submit that the Notification to File Missing Requirements issued by the U.S. Patent Office on July 11, 2005 in connection with the present application was issued in error.

Please note that we filed the fully-executed Declaration and Power of Attorney on March 10, 2005 along with the appropriate fee of \$130.00 without having received the Notification to File Missing Requirements. A copy of the previously-filed executed declaration along with the filing papers is enclosed herewith. Therefore, Applicants believe that the requirements under 35 U.S.C. § 371 have been satisfied.

If any fees are due in connection with this application as a whole, the office is authorized to deduct said fees from Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. (112740-1050) on the account statement.

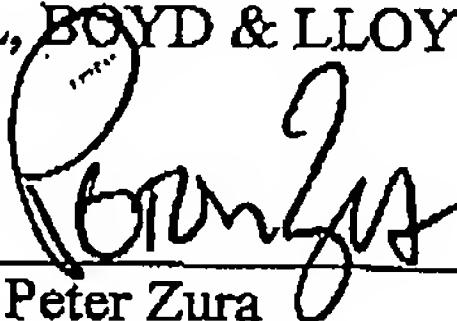
Appl. No. 10/523,065

Applicants kindly request that the undersigned attorney of record be contacted directly with any questions regarding this matter.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY



Peter Zura

Reg. No. 48,196

Customer No.: 29177

Phone: (312) 807-4208

Date: September 8, 2005

Office Rec'd PCT/PTO 10 MAR 2005

Express Mail EV 512723296 US

In re Patent Application of: Andreas Otte et al.  
Docket No. 112740-1050 USSN 10/523,065

On the date stamped hereon the U.S. Patent & Trademark Office  
hereby acknowledge the receipt of the following:

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3. check for \$130.00; and
4. Return receipt postcard.

Mailed on March 10, 2005 — WEV

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|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/523,065                    | Andreas Otte          | 112740-1050      |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/DE03/02381                |                       |                  |
| LA. FILING DATE               | PRIORITY DATE         |                  |
| 07/15/2003                    | 08/02/2002            |                  |

**CONFIRMATION NO. 7574**  
**371 FORMALITIES LETTER**



\*OC000000016394206\*

Date Mailed: 07/11/2005

*Date: 9/11/05*

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/01/2005
- Copy of the International Search Report filed on 02/01/2005
- Copy of IPE Report filed on 02/01/2005
- Information Disclosure Statements filed on 02/01/2005
- U.S. Basic National Fees filed on 02/01/2005
- Priority Documents filed on 02/01/2005

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*(05)*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/523,065                  | PCT/DE03/02381                | 112740-1050      |

FORM PCT/DO/EO/905 (371 Formalities Notice)

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17282

03/09/05

130.00

0112740 01050

fee for filing date  
declaration

William E. Vaughan

10024778# 6071000505# 58000363 28#

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Andreas Otte et al.  
Appl. No.: 10/523,065  
Filed: February 1, 2005  
Title: METHOD, SUBSCRIBER DEVICE AND RADIO COMMUNICATIONS SYSTEM FOR TRANSMITTING USER DATA MESSAGES  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112740-1050

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.

**EV512723296US**

**CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10**

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (duplicate);
2. executed declaration and power of attorney on 4 pages;
3. check for \$130.00; and
4. Return Receipt Postcard.

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on March 10, 2005.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Heather Foster

Name of Person Mailing Correspondence

  
Signature

EV 512723296 US

Express Mail Mailing Label Number

|   |  |  |
|---|--|--|
| FORM PTO-13B0 (Modified) U.S. PATENT AND TRADEMARK OFFICE, U.S. DEPARTMENT OF COMMERCE<br>(REV. 12-2004)  |  | ATTORNEY'S DOCKET NUMBER<br><b>112740-1050</b>                       |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>   |  | U.S. APPLICATION NO. (If known; see 37 CFR 1.5)<br><b>10/523,065</b> |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/DE2003/002381</b>   | INTERNATIONAL FILING DATE<br><b>15 July 2003</b> | PRIORITY DATE CLAIMED<br><b>02 August 2002</b>                       |
| TITLE OF INVENTION<br><b>METHOD, SUBSCRIBER DEVICE AND RADIO COMMUNICATION SYSTEM FOR TRANSMITTING USER DATA MESSAGES</b>   |  |  |
| APPLICANT(S) FOR DO/EO/US<br><b>Andreas Otte et al.</b>   |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |  |
| <p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</p> <p>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</p> |  |  |
| Items 13 to 23 below concern document(s) or information included:   |  |  |
| <p>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>17. <input type="checkbox"/> A substitute specification.</p> <p>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p> <p>22. <input checked="" type="checkbox"/> Express Mail Label No. <b>EV 512723296 US</b></p> <p>23. <input type="checkbox"/> Other items or information:</p>  |  |  |

PTO-1390 (Rev. 12-2004)

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|--|--------------|--|------------|--|--------|--|----------|---------------|--|------------|--|---|----------|----|--------|----|--------|--|----------|----|--------|----|--------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/523,065</b>   |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/DE2003/002381</b>              |            | ATTORNEY'S DOCKET NUMBER<br><b>112740-1050</b> |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <p>24. The following fees are submitted:</p> <table> <tr> <td><input type="checkbox"/> a) Basic national fee .....</td> <td>\$300.00</td> <td colspan="2">Applicant use</td> <td colspan="2">Office use</td> </tr> <tr> <td><input type="checkbox"/> b) Examination fee .....</td> <td>\$200.00</td> <td>\$</td> <td>\$0.00</td> <td>\$</td> <td>\$0.00</td> </tr> <tr> <td><input type="checkbox"/> c) Search fee .....</td> <td>\$500.00</td> <td>\$</td> <td>\$0.00</td> <td>\$</td> <td>\$0.00</td> </tr> </table> <p><b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b></p> <p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$280 for each additional 50 sheets of paper or fraction thereof.</p> |              |  |            |  |        | <input type="checkbox"/> a) Basic national fee ..... | \$300.00 | Applicant use |  | Office use |  | <input type="checkbox"/> b) Examination fee ..... | \$200.00 | \$ | \$0.00 | \$ | \$0.00 | <input type="checkbox"/> c) Search fee ..... | \$500.00 | \$ | \$0.00 | \$ | \$0.00 |
| <input type="checkbox"/> a) Basic national fee .....   | \$300.00     | Applicant use  |            | Office use                                     |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <input type="checkbox"/> b) Examination fee .....  | \$200.00     | \$   | \$0.00     | \$   | \$0.00 |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <input type="checkbox"/> c) Search fee .....   | \$500.00     | \$   | \$0.00     | \$   | \$0.00 |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
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| - 100 =  | /50 =        |  | x \$250.00 | \$   | \$0.00 |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA   | RATE       |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| Total claims   | - 20 =       | 0  | x \$50.00  | \$   | \$0.00 |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| Independent claims   | - 3 =        | 0  | x \$200.00 | \$   | \$0.00 |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <b>MULTIPLE DEPENDENT CLAIMS (if applicable)</b>   |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <input type="checkbox"/> + \$360.00  |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <b>TOTAL OF ABOVE CALCULATIONS = \$130.00</b>  |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <b>SUBTOTAL = \$130.00</b>   |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <b>TOTAL NATIONAL FEE = \$130.00</b>   |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$0.00   |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <b>TOTAL FEES ENCLOSED = \$130.00</b>  |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
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| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>\$130.00</b> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>02-1818</b>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>   |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</b></p> <p><b>SEND ALL CORRESPONDENCE TO:</b></p> <p><b>William E. Vaughan (Reg. No. 39,056)</b><br/> <b>Bell Boyd &amp; Lloyd</b><br/> <b>P.O. Box 1135</b><br/> <b>Chicago, Illinois 60690</b><br/> <b>312.807.4292</b></p>   |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |
| <p><b>SIGNATURE</b><br/> <br/> <b>William E. Vaughan</b><br/> <b>NAME</b><br/> <b>39,056</b><br/> <b>REGISTRATION NUMBER</b></p>  |              |  |            |  |        |  |          |               |  |            |  |   |          |    |        |    |        |  |          |    |        |    |        |

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